

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

CENTENNIAL BANK, as the successor-in-
interest to HAPPY STATE BANK,

Plaintiff,

v.

No. 5:23-CV-044-H

JERRY "BUD" HOLMES, et al.,

Defendants.

ORDER

Before the Court is Centennial's Second Amended Complaint. Dkt. No. 175. Centennial has previously amended its complaint in this case. *See* Dkt. Nos. 1; 52. Pursuant to Federal Rule of Civil Procedure 15(a), a party may amend its pleading "once as a matter of course" within 21 days of serving it, a responsive pleading, or a motion to dismiss. Fed. R. Civ. P. 15(a). Similarly, the Court's amended Scheduling Order provides that a party "may file one amended pleading, as of course, by June 28, 2024." Dkt. No. 144 at 4. But after the initial amendment as a matter of course, a party must first obtain the written consent of the defendants or leave of court. Fed. R. Civ. P. 15(a)(2); *see* Dkt. No. 144 at 4. Because Centennial has previously amended its complaint, it must first obtain leave of court or the defendants' consent.

Accordingly, the Court will construe Centennial's Second Amended Complaint as a motion for leave to amend and directs it to supplement its filing by either obtaining the defendants' written consent or filing a brief explaining why leave to amend should be granted. Centennial must file this supplement within fourteen days of this Order. Any

response from the defendants must be filed within fourteen days of the date of service of the supplement from Centennial.

So ordered on May 31, 2024.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE